

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR No. 01-60068-1-AA

AUSTIN LOUIS ROLFE,

Defendant.

**ORDER CONTINUING SUPERVISED RELEASE WITH
MODIFICATION OF THE TERMS AND CONDITIONS OF
SUPERVISED RELEASE**

On April 9, 2003, the defendant appeared before this court, for sentencing following his plea of guilty to Bank Robbery. He was sentenced to thirty-seven (37) months custody followed by a (3) year term of supervised release, upon the standard and special conditions. The term of supervised release commenced on April 16, 2004.

On January 5, 2005, this court issued a petition for summons and order to show cause why the term of supervised release order previously granted should not be revoked based on the probation officer's allegation that defendant violated the conditions of release.

On February 3, 2005, the defendant appeared with counsel at a hearing to determine whether defendant's supervised release should not be revoked. The defendant admitted he had violated the conditions of supervised release by failing to submit to urine testing, use of

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controlled substances and failing to participate in mental health treatment all as directed by his probation officer.

On November 7, 2005, this court issued another petition for summons and order to show cause why the term of supervised release order previously granted should not be revoked based on the probation officer's allegation that defendant violated the conditions of release.

On November 29, 2005, the defendant appeared with counsel at a hearing to determine whether defendant's supervised release should not be revoked. The defendant admitted he had violated the conditions of supervised release by failing to submit urine testing, use of controlled substances and alcohol, failing to participate in a mental health treatment and failing to take psychotropic medication as prescribed.

On July 6, 2006, this court again issued a petition for summons and order to show cause why the term of supervised release order previously granted should not be revoked based on the probation officer's allegation that defendant violated conditions of release.

On August 8, 2006, the defendant appeared with counsel at a hearing to determined whether defendant's supervised release should not be revoked. The defendant admitted he had violated the conditions of supervised release by failing to submit to urine testing, use of controlled substances, failing to participate in mental health treatment and failing to take psychotropic medication as prescribed. This constitutes a Grade C violation, pursuant to § 7B1.1(a)(3). A Grade C violation coupled with a Criminal History Category of III produces a suggested imprisonment range of 5 to 11 months.

IT IS THE FINDING of the court that the defendant violated the conditions of supervised release as stated above and that the defendant is amenable to continued community supervision.

IT IS ORDERED that defendant's term of supervised release should be continued with a modification of conditions of supervised release by adding the following special condition:

1. The defendant shall perform 150 hours of volunteer community service work as directed by the probation officer.

All other conditions and terms of supervised release previously imposed shall remain in full force and effect. Further, a status hearing will be held on Monday, October 2, 2006 at 10:00am on the 13th floor of the United States Courthouse in Portland.

Dated this 8 day of August, 2006.



ANN AIKEN

United States District Judge

cc: Probation Office
Counsel of Record